

Compensatory Time for Travel

Effective January 28, 2005, a regulation was established to allow employees on official travel to earn a new type of compensatory time called compensatory time for travel. As a general rule, employees traveling during hours that are not otherwise compensable (i.e., overtime, regular compensatory time or law enforcement availability pay) can receive compensatory time for travel for these hours. For additional guidance on availability pay, refer to [Questions and Answers on Comp Time Off for Travel](#). The new compensatory time for travel is separate and independent of the regular compensatory time that an employee may earn in lieu of pay for irregular and occasional overtime work or for religious observances. To earn compensatory time for travel, the hours spent traveling must be outside the employee's regular working hours and not considered hours of work. Refer to [the chart below](#) for travel situations and appropriate compensation for this type of leave

Upon receipt of an employee's approved request for compensatory time for travel, the timekeeper will post the number of hours as Compensatory Travel Worked (Prefix 78, Transaction Code 32) on the employee's timecard. When using compensatory time for travel, employees should submit a leave request for the number of hours requested as Compensatory Travel Used (Prefix 78, Transaction Code 64). After the leave request has been approved, the timekeeper should then post the leave on the employee's timecard.

Qualifying compensatory time for travel must be earned and used in increments of 15 minutes. There is no limitation on how much compensatory time for travel that an employee may earn. However, compensatory time for travel expires 26 pay periods after it is credited and cannot be converted to overtime. Timekeepers should monitor employee's balances to ensure it is used before the expiration date.

For additional guidance from the Office of Personnel Management (OPM) that includes a detailed question and answer attachment as well as some situational examples, [click here](#).

If you have any questions, please contact the Pay and Leave Services Branch at (304) 480-8400.

Questions and Answers on Compensatory Time Off for Travel

Q25. When are criminal investigators who receive availability pay precluded from earning compensatory time off for travel?

A. Compensatory time off for travel is earned only for hours that are not otherwise compensable. The term "compensable" is defined at 5 CFR 550.1403 to include any hours of a type that are creditable under other compensation provisions, even if there are compensation caps that limit the payment of premium pay for those hours (e.g., the 25 percent cap on availability pay and the biweekly premium pay cap). For availability pay recipients, this means that hours of travel are not creditable as time in a travel status for compensatory time off purposes if the hours are (1) compensated by basic pay, (2) regularly scheduled overtime hours creditable under 5 U.S.C. 5542, or (3) "unscheduled duty hours" as described in 5 CFR 550.182(a), (c), and (d).

Q26. What constitutes "unscheduled duty hours" as described in 5 CFR 550.182(a), (c), and (d)?

A. Under the availability pay regulations, unscheduled duty hours include (1) all irregular overtime hours-i.e., overtime work that is not scheduled in advance of the employee's administrative workweek, (2) the first 2 overtime hours on any day that are part of the employee's basic 40-hour workweek, without regard to whether the hours are unscheduled or regularly scheduled, and (3) any approved nonwork availability hours. However, special agents in the Diplomatic Security Service of the Department of State may count only hours actually worked as unscheduled duty hours.

Q27. Why are criminal investigators who receive availability pay precluded from earning compensatory time off when they travel during unscheduled duty hours?

A. The purpose of availability pay is to ensure the availability of criminal investigators (and certain similar law enforcement employees) for unscheduled duty in excess of a 40-hour workweek based on the needs of the employing agency. Availability pay compensates an employee for all unscheduled duty hours. Compensatory time off for travel is earned only for hours that are not otherwise compensable. Thus, availability pay recipients may not earn compensatory time off for travel during unscheduled duty hours because the employees are entitled to availability pay for those hours.

Q28. When is it possible for criminal investigators who receive availability pay to earn compensatory time off for travel?

A. When an employee who receives availability pay is required to travel on a non-workday or on a regular workday (during hours that exceed the employee's basic 8-hour workday), and the travel does not meet one of the four criteria in 5 U.S.C. 5542(b)(2)(B) and 5 CFR 550.112(g)(2), the travel time is not compensable as overtime hours of work for regular overtime or availability pay. Thus, the employee may earn compensatory time

off for such travel, subject to the exclusions specified in 5 CFR 550.1404(b)(2) and (b)(3) and the requirements in 5 CFR 550.1404(c) and (d).

Under the provisions in 5 U.S.C. 5542(b)(2)(B) and 5 CFR 550.112(g)(2), travel time is compensable as overtime hours of work if the travel is away from the employee's official duty station and —

- i. involves the performance of work while traveling,
- ii. is incident to travel that involves the performance of work while traveling,
- iii. is carried out under arduous conditions, or
- iv. results from an event which could not be scheduled or controlled administratively.

The phrase "an event which could not be scheduled or controlled administratively" refers to the ability of an agency in the executive branch of the United States Government to control the scheduling of an event which necessitates an employee's travel. If the employing agency or another executive branch agency has any control over the scheduling of the event, including by means of approval of a contract for it, then the event is administratively controllable, and the travel to and from the event cannot be credited as overtime hours of work.

For example, an interagency conference sponsored by the Department of Justice would be considered a joint endeavor of the participating executive branch agencies and within their administrative control. Under these circumstances, the travel time outside an employee's regular working hours is not compensable as overtime hours of work under regular overtime or availability pay. Therefore, the employee may earn compensatory time off for such travel, subject to the exclusions as specified in 5 CFR 550.1404(b)(2) and (b)(3) and the requirements in 5 CFR 550.1404(c) and (d).

TRAVEL SITUATIONS AND APPROPRIATE COMPENSATION

(OVERTIME, REGULAR COMPENSATORY TIME OR COMPENSATORY TIME FOR TRAVEL)

Under the compensatory time for travel regulations issued in 2005, employees traveling during hours that are not otherwise compensable (i.e., overtime, regular compensatory time or law enforcement availability pay) are now entitled to a new type of compensatory time called compensatory time for travel. The new compensatory time for travel is separate and independent of the regular compensatory time that an employee may earn in lieu of pay for irregular and occasional overtime work or for religious observances. To earn compensatory time for travel, the hours spent traveling must be outside the employee's regular working hours and not considered hours of work. This type of compensatory time expires 26 pay periods after it is credited and cannot be converted to overtime. Examples of travel situations are listed below with the type of compensation entitlement. The [second chart](#) indicates those travel hours (outside employee's regular working hours) that are creditable and those that are non-creditable for the new type of compensatory time for travel.

TRAVEL SITUATIONS	*FAIR LABOR STANDARDS ACT (FLSA) COVERAGE	
<i>Is the employee entitled to overtime, regular compensatory time or compensatory time for travel outside his/her regular tour of duty if....</i>	Covered (Nonexempt)	Not Covered (Exempt)
The employee drives the vehicle	Overtime or Regular Compensatory Time	Compensatory Time for Travel
The employee travels as a passenger and returns the same day	Overtime or Regular Compensatory Time	Compensatory Time for Travel
The employee travels as a passenger on a non-workday during hours corresponding to his/her regular working hours	Overtime or Regular Compensatory Time	Compensatory Time for Travel
The employee travels as a passenger on a non-workday during hours outside his/her regular working hours	Compensatory Time for Travel	Compensatory Time for Travel
The employee performs work officially ordered and approved by management while traveling	Overtime or Regular Compensatory Time	Overtime or Regular Compensatory Time
The employee travels under arduous and unusual conditions (e.g., travel in an area where a state of emergency has been declared due to inclement weather)	Overtime or Regular Compensatory Time	Overtime or Regular Compensatory Time
The travel results from an event which is totally outside the schedule and control of the Government (if the Government contracts with a private sector company, then the class is NOT outside the schedule and control of the Government).**	Overtime or Regular Compensatory Time	Overtime or Regular Compensatory Time
The travel is not covered by one of these conditions	Compensatory Time for Travel	Compensatory Time for Travel

***Note:** The Fair Labor Standards Act (FLSA) category is found in Block 35 of employees' Standard Form 50-B.

****Note:** The time usually required to travel from home to work shall be deducted from the computation of overtime or regular compensatory time unless the travel was performed on an employee's non-workday. Normal home-to-work commuting time is always deducted in the computation of compensatory time for travel.

*****Note:** Employees do not generally receive holiday premium pay (holiday worked) for work-related travel on a holiday with the exception of specific criteria. For additional information, call the Pay and Leave Services Branch at 304-480-8400.

CREDITABLE AND NON-CREDITABLE HOURS

FOR COMPENSATORY TIME FOR TRAVEL

Creditable Travel Hours	Non-Creditable Travel Hours
<ul style="list-style-type: none">• Travel from the employee's official duty station worksite/office to the mode of transportation (MOT).• Travel from the employee's home to the MOT when the transportation is outside (over 50 mile radius) the employee's official duty station. Normal home-to-work commuting time must be deducted.• Travel from the employee's home to the temporary duty station (TDY) location when the TDY is outside the employee's official duty station. Normal home-to-work commuting time must be deducted.• Usual waiting times at the mode of transportation.• Normal waiting times for transportation connections while enroute to the TDY.	<ul style="list-style-type: none">• Hours spent in administratively uncontrollable overtime (AUO) unscheduled duty in which the employee receives AUO pay.• Travel from the employee's home to the MOT when it is within the employee's official duty station. This is considered normal home-to-work commuting time.• Travel from the employee's home to a TDY when the location is within the employee's official duty station. This is considered normal home-to-work commuting time.• Bona fide meal periods.• Periods of rest and sleep, typically due to extended or unusual waiting times at the MOT.• Unusual waiting times (long delays due to weather, mechanical problems, etc.) at the MOT when the employee is able to use time for own purposes.